Form (2)
Sr. No. 3377
Dated 21-9-2021

The Myanmar Investment Commission

PERMIT

Permit No. 470/2012 Date 15 March, 2012.

The Myanmar Investment Commission issues this Permit under Section 10 of the Union of Myanmar Foreign Investment Law -

(a) Name of Promoter MANAGING DIRECTOR, NO. 3 MINING ENTERPRISE

(b) Citizenship MYANMAR

(c) Address BUILDING NO. 19, NO. 3 MINING ENTERPRISE, NAY PYI TAW

(d) Name and Address of principal organization NO. 3 MINING ENTERPRISE, MINISTRY OF MINES, NAY PYI TAW

(e) Place of incorporation NAY PYI TAW

(f) Type of business in which investment is to be made LARGE SCALE PRODUCTION AND MARKETING OF MARBLE (DECORATIVE STONE)

(g) Place(s) at which investment is permitted NAYPUTAUNG DEPOSIT, TAUNGUP TOWNSHIP, RAKHINE STATE

(h) Amount of foreign capital US $ 18.147 MILLION

(i) Period for bringing in foreign capital 3 YEARS AFTER ISSUANCE OF PERMIT

(j) Total amount of capital (Kyat) EQUIVALENT IN KYAT OF US $ 18.147 MILLION

(k) Permitted duration of investment 20 YEARS

(l) Name of the economic organization to be formed in Myanmar MYANMAR SIMCO SONG DA JOINT STOCK COMPANY LIMITED

Chairman
The Myanmar Investment Commission

မြန်မာနိုင်ငံ ရင်းနှီးမြှုပ်နှံမှု ကော်မရှင်

ခွင့်ပြုမိန့်

ခွင့်ပြုမိန့်အမှတ် ၄၇၀ / ၂၀၁၂ ၂၀၁၂ ခုနှစ်၊ မတ်လ [illegible] ရက်

ပြည်ထောင်စု မြန်မာနိုင်ငံတော် နိုင်ငံခြား ရင်းနှီးမြှုပ်နှံမှု ဥပဒေ ပုဒ်မ (၁၀) အရ ဤခွင့်ပြုမိန့်ကို မြန်မာနိုင်ငံ ရင်းနှီးမြှုပ်နှံမှု ကော်မရှင်က ထုတ်ပေးလိုက်သည် -

(က) ကမကထပြုသူ၏အမည် ဦးဆောင်ညွှန်ကြားရေးမှူး၊ အမှတ်(၃) သတ္တုတွင်းလုပ်ငန်း

(ခ) မည်သည့် နိုင်ငံသား မြန်မာ

(ဂ) နေရပ်လိပ်စာ ရုံးအမှတ်(၁၉)၊အမှတ်(၃)သတ္တုတွင်းလုပ်ငန်း၊ နေပြည်တော်

(ဃ) ပင်မအဖွဲ့အစည်းအမည်နှင့် လိပ်စာ အမှတ်(၃) သတ္တုတွင်းလုပ်ငန်း၊ နေပြည်တော်

(င) ဖွဲ့စည်းရာအရပ် နေပြည်တော်

(စ) ရင်းနှီးမြှုပ်နှံမှုပြုလုပ်မည့်လုပ်ငန်းအမျိုးအစား မာဘယ်အလှဆင်ကျောက် (အကြီးစား) တူးဖော် ထုတ်လုပ်ခြင်းနှင့် ဖြန့်ဖြူးရောင်းချခြင်းလုပ်ငန်း

(ဆ) ရင်းနှီးမြှုပ်နှံမှုပြုလုပ်ခွင့်ပြုသည့်အရပ်ဒေသ(များ) နေပူတောင်ဒေသ၊ တောင်ကုတ်မြို့နယ်၊ ရခိုင်ပြည်နယ်

(ဇ) နိုင်ငံခြားမတည်ငွေရင်း အမေရိကန်ဒေါ်လာ ၁၈.၁၄၇ သန်း

(ဈ) နိုင်ငံခြားမတည်ငွေရင်းယူဆောင်လာရမည့်ကာလ ခွင့်ပြုမိန့် ရရှိပြီး ၃ နှစ်အတွင်း

(ည) စုစုပေါင်း မတည်ငွေရင်းပမာဏ(ကျပ်) အမေရိကန်ဒေါ်လာ ၁၈.၁၄၇ သန်း နှင့် ညီမျှသော မြန်မာကျပ်ငွေ

(ဋ) ရင်းနှီးမြှုပ်နှံခွင့်ပြုသည့် သက်တမ်း ၂၀ နှစ်

(ဌ) မြန်မာနိုင်ငံတွင်ဖွဲ့စည်းမည့်စီးပွားရေးအဖွဲ့အစည်းအမည် Myanmar SIMCO Song Da Joint Stock Co., Ltd.

ဥက္ကဋ္ဌ
မြန်မာနိုင်ငံရင်းနှီးမြှုပ်နှံမှု ကော်မရှင်

REPUBLIC OF THE UNION OF MYANMAR

MYANMAR INVESTMENT COMMISSION

No.(32),Nay Pyi Taw

Our ref : Ya Ka-1/Na- 448 /2012(3377-d)
Dated : 12th March 2012.

Tel: 067-406334,406075
Fax: 95-67-406333

Subject : Decision of the Myanmar Investment Commission on the Proposal for " Large Scale Production and Marketing of Marble(Decorative Stone) " under the name of "Myanmar SIMCO Song Da Joint Stock Company Limited."

Reference: Ministry of Mines Letter No.17 branch(1)11(6984)dated(14.12.2011).

1. The Myanmar Investment Commission, at its meeting (6 /2012) held on (22 - 2 -2012) had reviewed the proposal of " Large Scale Production and Marketing of Marble(Decorative Stone) "at Nayputaung Deposit, Taunggup Township in Rakhine State submitted by Myanmar SIMCO Song Da Joint Stock Co., Ltd., as a wholly foreign owned investment which pursuant to the Production Sharing Contract to be signed between No.3 Mining Enterprise under the Ministry of Mines and SIMCO Song Da Joint Stock Company, Hanoi, Vietnam. After careful review, it was deliberated that the proposed project be approved in principle for implementation.

2. Hence, the "Permit" is herewith issued in accordance with Chapter VI, Section 10 of the Republic of the Union of Myanmar Foreign Investment Law and Chapter VI, Rule 13 of the Procedures relating to the said Law. Terms and conditions to the "Permit" are stated in the following paragraphs.

3. The permitted duration of the project shall be 20(Twenty) years in total, for Large Scale Production of Marble(Decorative Stone).

4. Myanmar SIMCO Song Da Joint Stock Co., Ltd. shall take measures not to disturb and prevent damage to the planned agricultural projects and irrigation projects undertaken by the Ministry of Agriculture and Irrigation within the project area of 2.3703 square kilometres (585.72 acres). It shall also pay appropriate compensation or remedy for any damage to property such as roads, bridges, land, cultivation or vegetation in the course of Production.

5. Myanmar SIMCO Song Da Joint Stock Co., Ltd. shall pay a sum of US $ 50,000 (United States Dollar Fifty Thousand Only) or equivalent amount of Euro through the Myanma Foreign Trade Bank as the non-refundable Signature Bonus within one month after signing the Production Sharing Contract.

6. Myanmar SIMCO Song Da Joint Stock Co., Ltd. shall provide Performance Bank Guarantee to the amount of US $ 250,000 (United States Dollar Two Hundred and Fifty Thousand Only) or equivalent amount of Euro within 30(Thirty) days after the effective date in favour of No.3 Mining Enterprise. The Performance Bank Guarantee shall be valid for two years from the effective date of the contract. If the Company proves that the performance of the Projects meets the target production volume as contemplated in Article 9.3 of the Contract, No.3 Mining Enterprise shall release the Bank Guarantee upon the company's proof that the project meet the targeted production volume as contemplated in the said Article of the contract.

7. Myanmar SIMCO Song Da Joint Stock Co., Ltd shall pay administrative charges, licence fees, other applicable rent, fees and dead rent in respect of the Agreement Area. Myanmar SIMCO Song Da Joint Stock Co., Ltd. shall pay prevailing administrative fees and charges for facilities or services rendered and Myanmar SIMCO Song Da Joint Stock Co., Ltd . shall pay the Dead Rent at the rate of US $ 1750 per sq.km during development period and US$ 2500 per sq km during the production period to the No.3 Mining Enterprise in US Dollars during the term in two equal instalments each payable within 30(Thirty) days after 1st April and 1st October in each year.

8. Myanmar SIMCO Song Da Joint Stock Co., Ltd shall pay royalty 3(Three) percent of the 100%(one hundred percent)sales value of marble produced, payable monthly to the Department of Mines in United States Dollars or Euro. Royalty shall be payable in kind or in cash at the option of No.3 Mining Enterprise. The production shall be shared between the parties in the following manner.

Production Sharing (per cubic meter) F.O.B (kyaukphyu)	No.3 Mining Enterprise	SIMCO Song Da Joint Stock Company
below US $ 649	20%	80%
between US $ 650 to US $ 749	25%	75%
above US $ 750	30%	70%

9. After getting the "Permit", the Company shall apply upon actual performance of the project, the following exemption and reliefs under section 21 of the Union of Myanmar Foreign Investment Law.

(a) As per Section-21(e), the right to pay income-tax payable to the State on behalf of foreigners who have come from abroad and are employed in the enterprise and the right to deduct such payment from the assessable income.

(b) As per section-21(f), right to pay income-tax on the income of the above-mentioned foreigners at the rates applicable to the citizens residing within the country.

(c) As per section-21(i),exemption from customs duty and all other internal taxes on machinery, equipment, instruments, machinery components, spare parts and materials, which are imported as they are actually required for the operation of the project during the permitted period. However, such import shall be subject to the approval endorsed by the Ministry of Mines.

10. Myanmar SIMCO Song Da Joint Stock Co., Ltd shall have to sign the Production Sharing Contract for Large Scale Production and Marketing of Marble (Decorative Stone) at Nayputaung Deposit, Taunggup Township, Rakhine State with No. 3 Mining Enterprise. After signing such Contract, (5) copies each of those shall have to be forwarded to the Commission.

12. Myanmar SIMCO Song Da Joint Stock Co., Ltd in consultation with the Department of Company Registration, Directorate of Investment and Company Administration shall have to be registered. After registration, (5) copies each of Certificate of Incorporation and Memorandum and Articles of Association shall have to be forwarded to the Commission.

13. Myanmar SIMCO Song Da Joint Stock Co., Ltd shall use its best efforts for timely realization of works stated as per schedule of implementation of Nay Pu Taung Marble Project. If none of such works has been commenced within one year from the date of issue of this "Permit", it shall become null and void.

14. The commercial date of operation shall be reported to the Commission.

15. The Commission approves periodical appointments of foreign experts and technicians from abroad as per proposal. Myanmar SIMCO Song Da Joint Stock Co., Ltd shall have to consult with Directorate of Labour, Ministry of Labour for appointment of such foreign experts and technicians.

17. In order to evaluate foreign capital in terms of Kyats and for the purpose of its registration in accordance with the provision under Section-24 of the Union of Myanmar Foreign Investment Law, it is compulsory to report as early as possible in the following manner:-

(a) the amount of foreign currency brought into Myanmar, attached with the necessary documents issued by the respective bank where the account is opened;

(b) the detailed lists of the type and value of foreign capital defined under Section - 2 (h) of the said Law, other than foreign currency.

18. Whenever Myanmar SIMCO Song Da Joint Stock Co., Ltd brings in foreign capital defined under Section-2(h) of the said Law, other than foreign currency in the manner stated in paragraph 16(b) mentioned above, the Inspection Certificate endorsed and issued by an internationally recognized Inspection Firm with regard to quantity, quality and price of imported materials shall have to be attached.

19. After all types of foreign capital (foreign currency and other types of foreign capital) have been brought into Myanmar, a report shall have to be submitted to the Commission as prescribed, vide letter No. Na-Ya 9/101/92(416) dated 3-12-92 [Annexure (1)].

20. Myanmar SIMCO Song Da Joint Stock Co., Ltd shall have the right to conduct account transfer in exchanging foreign currency into Kyat and vice-versa as per para 20 of the Notification No. 40/2011 issued by the Government of the Republic of the Union of Myanmar, dated 30 September 2011.

21. Myanmar SIMCO Song Da Joint Stock Co., Ltd shall report to the Commission for any alteration in the physical and financial plan of the project. Cost over run, over and above the investment amount pledged in both local and foreign currency shall have to be reported as early as possible.

22. Myanmar SIMCO Song Da Joint Stock Co., Ltd shall be responsible for the preservation of the environment at and around the area of the project site. Hence, it shall observe the directive issued by the Commission vide letter No. Ya Ka-1/139/94(0440) dated 30-6-94[Annexure(2)] to undertake all proper treatment systems and other necessary environmental control systems.

23. Payment of principal and interest of the loan(if any) as well as payment for import of raw materials and spare parts etc. shall only be made out of the official foreign exchange earnings of Myanmar SIMCO Song Da Joint Stock Co., Ltd.

24. Myanmar SIMCO Song Da Joint Stock Co., Ltd in consultation with Myanma Insurance, shall effect such types of insurance defined under Chapter VIII, Rule 15 of the Procedures relating to the Republic of the Union of Myanmar Foreign Investment Law.

(Soe Thane)
Chairman

Managing Director
No.3 Mining Enterprise

cc: 1. Office of the Government of the Republic of the Union of Myanmar
2. Ministry of National Planning and Economic Development

3. Ministry of Finance and Revenue
4. Ministry of Commerce
5. Ministry of Mines
6. Ministry of Foreign Affairs
7. Ministry of Home Affairs
8. Ministry of Immigration and Population
9. Ministry of Labour
10. Ministry of Electric Power No.(2)
11. Ministry of Environmental Conservation and Forestry
12. Director General, Directorate of Investment and Company Administration
13. Director General, Customs Department
14. Director General, Internal Revenue Department
15. Managing Director, Myanma Foreign Trade Bank
16. Managing Director, Myanma Investment and Commercial Bank
17. Managing Director, Myanma Insurance
18. Managing Director, Myanma Electric Power Enterprise
19. Director General, Directorate of Trade
20. Director General, Immigration and National Registration Department
21. Director General, Directorate of Labour
22. Chairman, Republic of the Union of Myanmar Federation of Chambers of Commerce and Industry(RUMFCCI)